IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.4040 OF 2004

Mrs.Usha S.Rege & Anr. ...Petitioners.

Versus

Mr.Sadanand V.Gote & Ors. ...Respondents.

Shri S.A.Sawant for the Petitioners.

CORAM : S.C.DHARMADHIKARI,J.

DATE : 30th JANUARY, 2006.

P.C. :

1. Heard Shri Sawant appearing for the petitioners. Petitioners are the original defendant Nos.1 & 2 in Special Civil Suit No.853 of 2000 filed by respondent Nos.1 to 3 in the Court of Civil Judge, Senior Division, Pune.

2. After hearing Shri Sawant and perusing the petition as well as the annexures thereto, in my view, the Issue as to whether the Suit is barred by virtue of Section 10 of the Companies Act, 1956 as amended, can very well be decided by the Trial Court while it is taking-up for consideration the other Issues at the trial. All contentions of both sides in that behalf are expressly kept open. It is not necessary to interfere at this stage. The petition is, therefore,

disposed of as not pressed. Ad-interim orders to stand vacated. Vacating the ad-interim orders does not prevent the petitioners from applying to the trial Court to preserve the status-quo and subject matter of the Suit.

(S.C.DHARMADHIKARI,J.)